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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,443

05/05/2006

Takeshi Shiba

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11/20/2008

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EXAMINER

PATEL, BHARAT C

ART UNIT

PAPER NUMBER

3724

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,443	<b>Applicant(s)</b> SHIBA ET AL.	
	<b>Examiner</b> BHARAT C. PATEL	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 and 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following is a Final Office action in response to communication received on 9/3/08. Claim 4 is cancelled. Claim 1 is amended. Therefore, claims 1, and 6-7 are pending and addressed below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobler 2,562,104 in view of Locke 5,185,926.

Re claim 1, Kobler teaches a blade head per Fig. 4 provided on an upper end of the hand grip per col. 1, lines 1-4, said blade head carrying at least one shaving unit per Fig. 3 comprising an outer blade foil 1-3, and an inner blade 4 driven in a shearing engagement manner with said outer blade foil, said outer blade foil having a plurality of holes 3 in which hairs are introduced per col. 2, lines 11-16, said outer blade foil being elongated and having a length and being curved along a width direction to form a generally C-shaped cross section per Figs. 1 and 4, said outer blade foil being curved convexly and uniformly along its length to have a longitudinal curved outline per Fig. 1, wherein a radius of curvature of said longitudinal curved outline is 150 mm to 350 per col. 3, lines 3-10, and wherein said generally C-shaped cross section of said outer blade foil has a transverse arc, per Fig. 1 and 3, having a uniform radius of curvature

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straddling an apex of said outer blade foil. However, Kobler fails to teach specifically that the radius of curvature of said transverse arc being in a range of 1.5 mm to 3.5 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the transverse arc radius in a range of 1.5 mm to 3.5 mm for the purpose of increasing the shaving efficiency in a narrow areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Aller*, 105 USPQ 233 (CCPA 1955).

Kobler fails to teach explicitly a hand grip configured to be gripped by a user's hand. Locke teaches a hand grip 27 configured to be gripped by a user's hand per Figs. 1-2.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Kobler's cutting head with a housing having a hand grip, as taught by Locke (col. 5, lines 41-50), in order to retain the cutter head effectively and allow the user effective control of maneuvering the cutting head on the user's skin.

Re claim 6, the modified device of Kobler teaches that the blade head (Locke, 25) has a shape having a longitudinal axis across the length of foil members (Locke, 22, 23 and 24) and a transverse axis across the width of the foil members (Locke, 22, 23, 24) perpendicular to each other, said blade head (Locke, 25) carrying two said shaving units (Locke, 22 & 50, 23 & 55), each of which is elongated along the longitudinal axis of said blade head (Locke, 25) said two shaving units being disposed at opposite ends of

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said blade head along said transverse axis in a spaced relation to each other per (Locke, Figs. 1-9). It should be noted that Locke teaches at least two shaving units.

Re claim 7, the modified device of Kobler teaches that generally C-shaped cross section of said outer blade foil (Locke, 22, 23) has a transverse arc having a uniform radius of curvature straddling an apex of said outer blade foil, said two shaving units made up of (Locke, 22 & 50 and 23 & 55) being separated from each other at a distance of 0.5 to 2 times the radius of curvature of said transverse arc, said distance being a distance between the apexes of said outer blade foils of said two shaving units per (Locke, Figs. 7 & 9). It should be noted that the two shaving units by Locke are placed next to each other per Figs. 2 or 7, that means the distance of separation between two adjacent cutting units are twice the radius of curvature of traverse arc.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/  
Examiner, Art Unit 3724

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November 19, 2008.

/Ghassem Alie/

Primary Examiner, Art Unit 3724